

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

C. TATE GEORGE

v.

UNITED STATES OF AMERICA

Civ. No. 17-2641 (AET)

**RESPONSE TO MOTION TO AMEND PETITIONER'S VACATE, SET ASIDE OR  
CORRECT SENTENCE PURSUANT TO 28 U.S.C. § 2255**

Petitioner C. Tate George has filed yet another motion in yet another forum in yet another baseless attempt to vacate his convictions for wire fraud. This time, the motion has been construed as a motion to amend Petitioner's original § 2255 petition. (The instant motion was construed as such by this Court after Petitioner attempted to file a separate petition pursuant to 28 U.S.C. § 2241, *see* Dkt. No. 52). Petitioner's latest salvo should be rejected by this Court.

In his initial petition, Petitioner simply repackaged the original claims he made on direct appeal into "ineffective assistance" claims, which were already litigated (and rejected) by the Court of Appeals. Now, Petitioner has yet again repackaged the same complaints into another, seemingly different, vessel: a so-called Guidelines calculation error and a complaint about the Pre-Sentence Report. Undergirding these claims, though, are the exact same complaints that he put forth both on direct appeal and in his original 2255 Petition, regarding the fulsomeness of his attorney's preparation and a so-called "forensic business report."

Because Petitioner is not actually making any new claims, the Government will respectfully rely on its initial Response to Petitioner's Petition. If the Court

wishes for additional briefing by the Government, the Government will of course be happy to provide it. At long last, the court system should be finished with this matter – more than seven years in the making. This Court should deny Petitioner's § 2255 motion without a hearing.

Respectfully submitted,

CRAIG CARPENITO  
UNITED STATES ATTORNEY

By: S/ Zach Intrater  
Zach Intrater  
Assistant U.S. Attorney

Date: May 12, 2019

**CERTIFICATION OF SERVICE**

I hereby certify that on August 24, 2018, I caused a copy of this response to be served by first class mail, postage pre-paid, upon:

C. Tate George, *pro se*  
Reg. No. 63223-050  
FCI Allenwood Low  
Federal Correctional Institution  
P.O. Box 1000

Zach Intrater

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Zach Intrater  
Assistant U.S. Attorney

Dated: August 24, 2018